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## EDITORIAL NOTES.

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By W. D. L.

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### TO THE READER.

THE third year of the present editorial management of the AMERICAN LAW REGISTER AND REVIEW opens with only one change in the construction of the magazine.

In the year that has passed we have maintained a department of original articles, of annotations, of book reviews, and a digest of recent decisions, together with an editorial department, and occasional notes and comments. The Department of Original Articles, devoted to treating topics of current interest from a legal point of view, will be continued as heretofore. During 1893, the Behring Sea Controversy gave us the opportunity of publishing an interesting article from the pen of one of the assistant counsel, Mr. RUSSEL DUANE. The last six months of the year we printed a series of six articles from the pen of CHARLES CHAUNCEY BINNEY, Esq., one of the assistant Attorneys General of the United States, on the new and interesting topic of Local and Special Legislation. These articles have attracted wide notice throughout the country, and form the only complete treatise on the subject. This fact has led us to induce Mr. BINNEY to embody them in book form. The volume will soon be issued, and our subscribers will be duly notified as to when and where it can be obtained.

The Annotation Department, or the department which is devoted to the publication of legal briefs, has been, as it will continue to be in 1894, the principal department of the magazine. During 1893 we have published fifty-four "*briefs*," or careful and minute discussions of recent points which have come up for judicial decision. These cover all branches of substantive and remedial law. Aside from the current interest of these briefs, it is hoped in a few years that a practicing lawyer will seldom have a case on which he will

not be able to find a brief, practically already prepared, by turning to the volumes of the AMERICAN LAW REGISTER AND REVIEW. These briefs are written by efficient lawyers in the active practice of their profession, and are revised by some of the ablest members of the Bench and Bar in the United States. During 1893 we reviewed at length no less than fifty-four books. Indeed, every book of value which has appeared during 1893 has been reviewed during the year, or is reviewed in the present number. A few publishers, we notice, try to send us only those books which they hope will receive a favorable treatment at our hands. To these we can say that they act wisely. The AMERICAN LAW REGISTER AND REVIEW is not an advertising medium in its book review department for current legal literature. When we receive a book which we do not think is a good one, we deem it our duty to the profession to tell them so. We try to treat all authors fairly and impartially, but we also try to treat our subscribers fairly, and refuse to praise a book which we believe should be condemned.

During 1893 we have devoted some four or five pages each month to an "Editorial Note," on a question of current interest—usually dealing with constitutional law or public law.

We have also published a Digest of Recent Decisions. These cases have been selected with considerable care and faithfulness, by different members of the profession, from the reports of the West Publishing Company. Though some cases of value have necessarily been omitted or overlooked, the majority of the important decisions throughout the year will be found in the back part of our numbers for 1893. Whatever intrinsic merit of this Digest may have been, however, we confess that simple syllabi of cases, however important, have not proved attractive reading. We have, therefore, decided to attempt to improve this department in 1894, by combining it with the "Editorial Department" of the magazine. Each month we will review the cases and articles of interest which have appeared during the previous month. Instead, however, of skipping here

and there, and noting now a case in equity, now a case in evidence, it is our intention to take each month the cases in one or two departments of the law, and write what we hope will prove an instructive and entertaining resumé of the principal cases which have appeared during the previous three or four months. Each month we will take up two or three departments of the law. This month, for instance, we have dealt with the recent cases on insurance, corporations, and constitutional law.

Next month we hope to be able to deal with cases on other subjects. These editorial comments will not always be written by the editors of the magazine. We have a theory that a case on insurance should only be discussed by one who is familiar with the subject; that a case in equity should only be discussed by one who is familiar with equity, and that no one can be familiar with all branches of the law.

The old editors take pleasure in stating that, as will be seen on the first page of the cover of this number, they have associated with themselves Mr. William Struthers Ellis of the Philadelphia Bar.

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## EDITORIAL NOTES AND COMMENTS.

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A PAPER BY PROFESSOR THAYER.

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### CONSTITUTIONAL LAW.

WE have received from Professor THAYER, of Harvard, an interesting pamphlet on the "Origin and Scope of the American Doctrine of Constitutional Law." The paper was read by the author before the Congress of Jurisprudence and Law Reform, held in Chicago, last August. Like all of Professor THAYER'S writings, this is of great value. It is, besides, because of the peculiar position taken, of exceptional interest to students of the subject. The origin of the doctrine that a court can set aside an act of the legislature which is repugnant to the constitution is pointed out in the first part of the article. This doctrine is peculiar